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C.R.P. No.3405 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**Civil Revision Petition (PD) No.3405 of 2024
and C.M.P.Nos.18412 & 18413 of 2024**

1.Aravind Sathya

2.S.Saroja Devi

3.D.Santhanakrishnan

... Petitioners

Vs.

Lahari Ramakrishnan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to struck off the proceedings in D.V.C.No.28 of 2024 on the file of the Judicial Magistrate Court/Additional Mahila Court, Cuddalore.

For the Petitioners : Mr.G.V.Sridharan

ORDER

This Civil Revision Petition seeks to quash the Domestic Violence Complaint in D.V.C.No.28 of 2024 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Cuddalore.

2. The relationship between the parties is not in dispute. The 1st



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petitioner is the husband of the respondent and petitioners 2 and 3 are the mother-in-law and father-in-law of the respondent. The 1st petitioner and the respondent were married each other on 01.06.2014. From the wedlock a male child was born on 22.03.2015. Thereafter, due to disputes and differences between them, they have separated. The husband has initiated H.M.O.P.No.113 of 2023 on the file of the Subordinate Court, Chengalpet and the wife has initiated H.M.O.P.No.247 of 2023 on the file of the Family Court, Cuddalore. By an order dated 08.07.2024, the H.M.O.P.No.113 of 2024 was withdrawn from the file of the Subordinate Court, Chengalpet and transferred to the file of the Family Court, Cuddalore.

3. Mr.G.V.Sridharan, informs that the said proceedings is now re-numbered as H.M.O.P.No.163 of 2024. He would invite me to go through the D.V.C Petition filed in D.V.C.No.28 of 2024. A reading of the allegations makes it clear that not only physical violence, but also emotional and economic abuse had been meted out on the respondent by the petitioners.

4. Mr.G.V.Sreedharan would submit that all these are false allegations and they were not made out in the divorce petition that has been filed by the wife.



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5. Whether the allegations are true or false is not for me to decide in this quash petition. The said fact has to be brought out only at the time of trial. For the purpose of quashing the complaint, I have to read the complaint as a whole and should be satisfied that the requirements of Section 3 of the Protection of Women from Domestic Violence Act is not made out.

6. A reading from paragraph No.5 onwards, especially paragraph No.7, would show that the respondent has made specific allegations against all the petitioners of physical as well as other forms of abuse. Hence, applying the dictum of the Supreme Court in ***Inderjit Singh Grewal Vs. State of Punjab and Ors.***, (2012 CrL L. J 309), I am not in a position to quash the complaint.

7. At this stage, Mr.G.V.Sridharan, would point out that the petitioners 2 and 3 are senior citizens and aged about 60 and 68 respectively and would therefore, seek to dispense with the appearance of all the petitioners.

8. I am inclined to consider the request for dispensing the appearance of the petitioners 2 and 3 alone, as they are senior citizens. The said benefit will not enure in respect of the 1st petitioner – husband. For all the dates of



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appearance, the 2nd and 3rd petitioners shall be represented by their counsel.

They shall however, appear before the learned Magistrate, whenever their appearance is essential or when so directed by the Court.

9. With the above observations, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

27.08.2024

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Neutral citation : Yes / No

To

The Judicial Magistrate cum Additional Mahila Court, Cuddalore.



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V.LAKSHMINARAYANAN, J.,

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